

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN THE MATTER OF THE COMPLAINT)	
OF THE AMERICAN MILLING CO.,)	
UNLIMITED, H&B MARINE, INC., and)	
AMERICAN MILLING, L.P., a limited)	
partnership, for exoneration from or)	Case No. 4:98CV575SNL
limitation of liability,)	
)	
Petitioners.)	

ORDER

This matter is before the Court on President Casino's motion to set aside order of May 2, 2006 regarding American Milling's motion to deposit funds with the Court (#1685), filed May 8, 2006. Claimants Brennan Marine Co., Pinnacle Barge Co, and Pinnacle Transportation, Inc.'s have filed a memorandum joining in the instant motion. *See*, Document #1684, filed May 8, 2006. Extensive responsive pleadings have been filed and this matter is now ripe for disposition.

On or about May 1, 2006 American Milling petitioned the Court to enter an order authorizing it to deposit into the Court's Registry the amount of the limitation fund, plus accrued interest, totaling \$3,263,956.08. *See*, Court Document #1681. On May 2, 2006, this Court under its own mistaken impression that there were no objections to the request, granted same. *See*, Court Order #1683. It soon became apparent that there were strenuous objections to American Milling's request; i.e. to replace the surety bond earning 6% interest with a cash deposit subject to a variable rate of interest (dependant upon the Court's Comptroller's investment decision).

On May 25, 2006 a short hearing was held on the objections and the Court allowed the parties time to briefly present their positions as set forth in their supplemental pleadings on this matter.

After careful consideration of the matter, and in light of the objections raised,

IT IS HEREBY ORDERED that President Casino's motion to set aside Order of May 2, 2006 (#1685), filed May 8, 2006 be and is **GRANTED**.

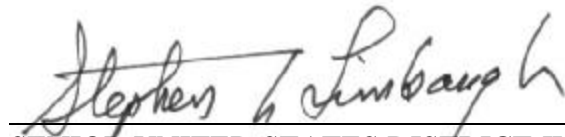
IT IS FURTHER ORDERED that the Court's Order of May 2, 2006 (#1683) granting American Milling's motion to deposit funds with the Court (#1681) be and is **VACATED**.

IT IS FURTHER ORDERED that American Milling's motion to deposit funds with the Court (#1681), filed May 1, 2006 be and is **DENIED**.

IT IS FURTHER ORDERED that the surety bond presently in place accruing interest at the statutory rate of 6% shall remain in effect.

IT IS FINALLY ORDERED that the statutory rate of interest of 6% on the fund shall be compounded annually.

Dated this 24th day of October, 2006.



SENIOR UNITED STATES DISTRICT JUDGE